

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>ISMAEL ROMAN, AS</b>	<b>:</b>	<b>CIVIL ACTION</b>
<b>ADMINISTRATOR OF THE</b>	<b>:</b>	
<b>ESTATE OF NAYELIS RUIZ</b>	<b>:</b>	
<b>ROMAN, et al.,</b>	<b>:</b>	
<b>Plaintiffs</b>	<b>:</b>	<b>NO. 10-1437</b>
	<b>:</b>	
<b>v.</b>	<b>:</b>	
	<b>:</b>	
<b>LANCASTER GENERAL</b>	<b>:</b>	
<b>HOSPITAL, et al.,</b>	<b>:</b>	
<b>Defendants</b>	<b>:</b>	

**ORDER**

**STENGEL, J.**

**AND NOW**, this 29th day of July, 2010, upon careful consideration of the motion to dismiss the complaint and substitute the United States of America and dismiss the United States of America for failure to exhaust administrative remedies (Document # 2) and all responses thereto, **IT IS HEREBY ORDERED THAT:**

1. The United States is **SUBSTITUTED** as the only federal defendant. All claims against Rachel A. Eash-Scott, M.D., Kristen H. Johnsen, D.O., and Southeast Lancaster Health Services, Inc. are **DISMISSED WITH PREJUDICE**.

2. All claims against the substituted federal defendant the United States are **DISMISSED WITHOUT PREJUDICE**.

3. **IT IS FURTHER ORDERED** that the above action is **REMANDED** to the Court of Common Pleas of Lancaster County, Pennsylvania pursuant to 28 U.S.C. §

1447(c).

The Clerk of the Court is directed to close this case.

BY THE COURT:

/s/ Lawrence F. Stengel

LAWRENCE F. STENGEL, J.